

resulting in said receiving of the second file portion without reference to the content of the first file portion to identify the second computing device,” as recited by Assignee’s claim 1.

The Examiner contends that several cited portions of Manges substantially teach Assignee’s claimed subject matter, however, the Examiner has not identified specific portions of Manges that correspond to specific portions of Assignee’s claimed subject matter. Accordingly, Assignee respectfully requests that the Examiner identify specific portions of Manges which correspond to specific aspects of Assignee claimed subject matter. Furthermore, Assignee respectfully asserts that the cited portions of Manges do not teach Assignee’s claimed subject matter as discussed above. For example, one of the cited portions of Manges states “Toward these and other ends, the method of the invention for transmitting the de-crippling triggering data for video and/or audio over the Internet consists of encoding the data representing critical information of the file keys such as the header of the picture/video/audio files accessible via the Web Page controlled by the Web Page provider, and transmitting that encoded key to a local server of the local web of the Internet serving the caller, or directly to an end-user’s computer. The local server may then establishes a point-to-point socket-connection between the transmitting, host computer, and the receiving or end-user computer. When the encoded key is received by the Web Page from the End user’s computer, the data is decoded and matched to the picture/video/audio files of accessible via the Web Page over the Internet, whereupon, since the data files now have an associated and complete header, the data thereof may be read, to thus allow the transmission or playback of the picture, video, or audio data on the end user’s comuter.” See Manges, column 4, line54 – column 5, line 4. Assignee respectfully asserts that this does not teach “receiving a plurality of second file portions of the media file with the electronic device” as recited by Assignee’s claim 1 because the cited portion of Manges does not teach or suggest “a plurality of second file portions.” Likewise, the cited portion does not teach or suggest “media client initiates commands resulting in said receiving of the second file portion without reference to the content of the first file portion to identify the second computing device,” as recited by Assignee’s claim 1 because the cited portion of Manges does not teach or suggest receiving the second file portion “without reference to the content of the first file portion to identify the second computing device.” Accordingly, Assignee respectfully requests that this ground for rejection be withdrawn.

For further example, a cited portion of Manges states that "It is another objective of the present invention to enable server control of the access to its files by providing the end user the key to the "crippled" files accessible via the Web Page such that content by a company on the Internet may be better controlled, and whereby in conjunction with the content, video and/or audio playback may be combined with any updated, textual information, such as current price of a product or products, location of a store or stores in the vicinity of the end-user's residence, etc. Specific tracks on the CD-ROM can thereby be controlled by the remote server. It is another objective of the present invention to provide access to such "crippled" files, whereby the end user computer is provided with Internet start-up and connecting program that automatically and directly connects the end-user's computer to the company's or content provider's host server via the Internet, whereby, not only does such facilitate and encourage the connection of the end-user to the content provider's web page, but also provides the content provider with valuable marketing information, such as the physical location of the caller, whereby selected information unique to that caller may be downloaded to him over the Internet, such as name and addresses of stores of the company or advertiser nearest to the caller, etc." See Manges column 4, lines 1-24. Assignee respectfully asserts that this does not teach "receiving a plurality of second file portions of the media file with the electronic device" as recited by Assignee's claim 1 because the cited portion of Manges does not teach or suggest "a plurality of second file portions." Likewise, the cited portion does not teach or suggest "media client initiates commands resulting in said receiving of the second file portion without reference to the content of the first file portion to identify the second computing device," as recited by Assignee's claim 1 because the cited portion of Manges does not teach or suggest receiving the second file portion "without reference to the content of the first file portion to identify the second computing device." Accordingly, Assignee respectfully requests that this ground for rejection be withdrawn.

Assignee respectfully asserts that the remaining claims all patentably distinguish from the cited documents on at least the same and/or a similar basis as claim 1. Therefore, it is respectfully requested that the Examiner withdraw this rejection and allow the pending claims to proceed to issuance.

For at least the reasons above, Assignee respectfully submits that claims 1-12, 14-36, and 38-60 are allowable and requests that the Examiner permit these claims to proceed to issuance. Although additional arguments are believed to exist for distinguishing the cited documents, the foregoing is believed sufficient to address the Examiner's rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

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CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Consideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

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